

UNITED STATES DISTRICT COURT

for the

Northern District of New York

UNITED STATES OF AMERICA)

v.)

BENJAMIN MUNSON,)

Case No. 5:22-MJ -0419 (ML)

Defendant.)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief. On or about the date(s) of from in or about June of 2022 (Counts 1 and 2) and on or about August 10, 2022 (Count 3) in the county of Onondaga in the Northern District of New York the defendant violated:

*Code Section**Offense Description*

Counts 1 and 2:

18 U.S.C. §2252A(a)(2)(A)

Distribution and Receipt of Child Pornography

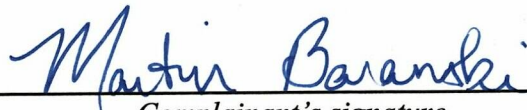
Count 3:

18 USC § 2252A(a)(5)(b)

Possession of Child Pornography

This criminal complaint is based on these facts:
See attached affidavit

☒ Continued on the attached sheet.

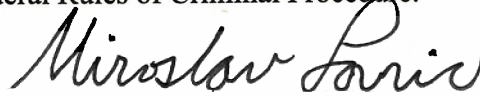

Complainant's signature

Martin Baranski, Special Agent

Printed name and title

Attested to by the affiant in accordance with Rule 4.1 of the Federal Rules of Criminal Procedure.

Date: August 10, 2022


Judge's signature

City and State: Binghamton, New York

Hon. Miroslav Lovric, U.S. Magistrate Judge

Printed name and title

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF NEW YORK

**AFFIDAVIT IN SUPPORT
OF A CRIMINAL COMPLAINT**

I, Martin Baranski, being first duly sworn, hereby depose and state as follows:

INTRODUCTION AND AGENT BACKGROUND

1. I make this affidavit in support of a criminal complaint charging BENJAMIN MUNSON with violation of Title 18, United States Code, Sections 2252A(a)(2)(A) (distribution and receipt of child pornography) and 2252A(a)(5)(B) (possession of child pornography), as more fully described below.

2. I am a Special Agent employed by the United States Department of Justice, Federal Bureau of Investigation (FBI), and as such I am an “investigative or law enforcement officer” of the United States who is empowered by law to conduct investigations and to make arrests for offenses enumerated in Title 18, United States Code, Chapter 63. I have been a Special Agent with the FBI since October of 2018. I am currently assigned to the FBI’s Albany Division where I investigate all federal criminal violations. I have participated in investigations of persons suspected of violating federal child pornography laws, including Title 18, United States Code, Section 2252A. I have received training in the area of child sexual exploitation and have had the opportunity to observe and review examples of child pornography in all forms of media including computer media.

3. The facts in this affidavit come from my personal observations, my training and experience, and information obtained from other agents and witnesses. This affidavit is intended to show merely that there is sufficient probable cause to believe that BENJAMIN MUNSON has violated Title 18, United States Code, Sections 2252A(a)(2)(A) (distribution and receipt of child

pornography) and 2252A(a)(5)(b) (possession of child pornography), and does not set forth all my knowledge about this matter.

PROBABLE CAUSE

4. Around June 8, 2022, while conducting an undercover session on chat application Wickr, Online Covert Employee (“OCE”) 10396, working as a member of the Child Exploitation Operational Unit (CEOU) of the Federal Bureau of Investigation (FBI), observed user bitterfruit123@mailfence.com, later identified as BENJAMIN MUNSON, post the following in chat group "Pedo Lives Matter":

Got a new room that I started but it's goign to be hella difficult to get people in because most are scared to do what is required. It is a parents/babysitter room only people who have actual kids or have access to kids will be able to be entered. The ages are only preteen. So no boobs or hair can be present. And the requirement to get in is a video of you playing with the child sexually and a now with the rooms name on it. New people entering into the room will be asked to share their video that they used to get in so everyone there knows they are legit"

"So I have 5 rooms. They are broken down like this.

All About Them Buds - girls only. From budding to right before fully developed. So pictures or videos must have some hair or boobs in them. Fully developed girls are not allowed

Best Single Digits - girls and boys 0 to 9. No boobs or hair allowed.

Only the hard - pure hard rape, and only hard rape of young girls and boys

NN Haven - non nude girls and boy ages 0 to 9

Children of yesteryear - for people who have contact with kids. Verification required in order to enter. I have my own verification as well"

5. The OCE captured MUNSON distribute approximately one dozen child pornography images in two Wickr groups: the aforementioned “Pedo Lives Matter,” and also a group named “All Lives Matter.” MUNSON distributed child pornography in these groups on

three occasions, to include May 13, 2022, June 8, 2022, and June 22, 2022. The child pornography distributed by MUNSON exclusively depicted infants and toddlers. The images distributed on June 8, 2022 have been reviewed by your affiant and are described as follows:

- a. **“babygirl (198).jpg”** – is an image file that depicts an infant female with legs spread and an object being inserted into the infant female’s vagina.
- b. **“babygirl (467).jpg”** – is an image file that depicts an infant female bent over with her vagina fully exposed, the focus of the picture is the lascivious exhibition of the infant’s vagina.
- c. **“babygirl (709).jpg”** – is an image file that depicts an infant female with her legs pulled up, displaying the infant’s vagina with ejaculate in and around her vagina and anus.

6. BENJAMIN MUNSON is currently under the supervision of the United States Probation Office for the Northern District of New York. Criminal history records and United States District Court documents confirm that MUNSON was sentenced on March 4, 2011 to 60 months in Federal prison and 10 years supervised release pursuant to a plea of guilty to Distribution and Possession of Child Pornography, in violation of 18 U.S.C. §§ 2252A(a)(2)(A) and 2252A(a)(5)(B). *United States v. Benjamin Munson*, 5:10-CR-465 (DNH), Dkt. 31. The 2011 charges were investigated by the FBI. FBI records indicate that MUNSON was focused on child pornography that involved infants and toddlers, consistent with the media distributed by him as described above.

7. On today’s date, your affiant and other law enforcement executed a search warrant authorized by this Court for the residence and person of BENJAMIN MUNSON. FBI Special

Agent (SA) Martin Baranski and Task Force Officer (TFO) Andrew Wilmot interviewed BENJAMIN MUNSON in a parking lot outside of his residence at 915 James St., Syracuse, NY. MUNSON was not under arrest and voluntarily spoke with the interviewing Agents both in the parking lot and inside SA Baranski's bureau vehicle, which remained parked in the parking lot of MUNSON's residence. MUNSON admitted to distributing and receiving child pornography on Wickr over the past several months. MUNSON further admitted that he was the administrator of several child pornography groups on Wickr, and that his Wickr username was bitterfruit123@mailfence.com.

8. In a post-*Miranda* statement, MUNSON admitted that he possessed a TCL brand mobile phone, Dell laptop, and external hard drive, that he hid from Probation and used to perform his child pornography activity. The TCL mobile phone, Dell laptop, and external hard drive were seized during the execution of the search warrant. A preliminary forensic preview of an SD card contained within the TCL mobile phone belonging to MUNSON was performed. On that SD card MUNSON possessed hundreds of child pornography media files, including the same three image files described above: "babygirl (198).jpg," "babygirl (467).jpg," and "babygirl (709).jpg," all of which he had previously distributed to a Wickr group.

9. MUNSON was shown several printed images of child pornography that were captured by the OCE as being distributed by bitterfruit123@mailfence.com. MUNSON initialed nearly all of the images as representing images that he distributed or received on Wickr, including the three described above.

10. MUNSON also admitted to producing five lewd and lascivious pictures of the genitals of a 2-year-old minor female to whom MUNSON has access, and whose identity is now

known to law enforcement. MUNSON admitted he took the five pictures on three separate dates in 2022.

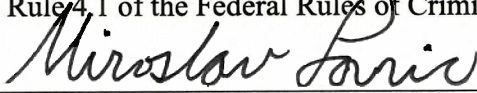
CONCLUSION

11. Based on the aforementioned facts, your affiant respectfully submits that there is probable cause to believe BENJAMIN MUNSON has violated 18 U.S.C. §§ 2252A(a)(2)(A) (receipt and distribution of child pornography) and 2252A(a)(5)(B) (possession of child pornography), and requests that a criminal complaint charging those violations of federal law be issued.

ATTESTED TO BY THE APPLICANT IN ACCORDANCE WITH THE REQUIREMENTS OF RULE 4.1 OF THE FEDERAL RULES OF CRIMINAL PROCEDURE.


Martin Baranski, Special Agent

I, the Honorable Miroslav Lovric, United States Magistrate Judge, hereby acknowledge that this affidavit was attested to by the affiant by telephone on August 10, 2022 in accordance with Rule 4.1 of the Federal Rules of Criminal Procedure.


Hon. Miroslav Lovric
United States Magistrate Judge